

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PATRICIA and PAUL SCHMITT, H/W
2803 Stanbridge St., Apt. B202
E. Norriton , PA 19401

vs.

**NATIONWIDE PROPERTY AND CASUALTY
INSURANCE COMPANY**
One Nationwide Plaza
Columbus, Ohio, 43215

: Civil Action:
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: NO:
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: JURY TRIAL DEMANDED
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COMPLAINT SEEKING UNDERINSURED MOTORIST BENEFITS

1. Jurisdiction is founded on diversity of citizenship and the amount in controversy exceeds \$75,000 exclusive of interest and costs, as specified by 28 U.S.C. Sec. 1332.
2. Plaintiffs Patricia and Paul Schmitt, H/W are married adult citizens of the Commonwealth of Pennsylvania, residing at the address listed in the caption.
3. Defendant, Nationwide Insurance Company (herein after “Nationwide”) is a corporation organized in the state of Ohio. Nationwide has a principal place of business in the state of Ohio at the address stated in the caption.
4. On or about August 25, 2017, plaintiff, Patricia Schmitt, was involved in a violent motor vehicle accident with a vehicle operated by a negligent third party.
5. On the date of the vehicle crash, plaintiff was driving a vehicle covered under a policy of insurance issued by Nationwide with the policy number # 5837G021971 which provided for \$100,000 per person in “stacked” UIM coverage including the driver plaintiff Patricia Schmitt.

6. A claim for Underinsured Motorist Benefits s for policy limits in the amount of \$100,000 has been made and no offer to settle has been received from Defendant Nationwide.

7. Plaintiff claims damages for serious physical bodily injury, scarring and disfigurement, outstanding liens for payment of medical treatment, and out of pocket medical expenses. Plaintiff underwent cervical spinal surgery for injuries caused by the MVA . She has not returned to work since the accident resulting in a wage loss exceeding 7 months. She continues to suffer pain, disability and permanent limitation of her activities of daily living.

8. As a result of the vehicle crash on August 25, 2017 plaintiff has sustained a cosmetic disfigurement which is or may be permanent, irreparable and severe.

9. As a further result of this crash, plaintiff has suffered severe physical pain, lifetime disabilities, mental anguish and humiliation. She will continue to suffer same for an indefinite period of time into the future.

10. As a result of the injuries he has suffered, Patricia Schmitt has received and will continue to receive medical treatment and needs surgery. She is obliged to incur expense and spend various sums of money for an indefinite period of time.

COUNT II
PLAINTIFF PAUL SCHMITT vs. DEFENDANT NATIONWIDE PROPERTY &
CASUALTY INSURANCE COMPANY

LOSS OF CONSORTIUM

11. Plaintiffs, Patricia and Paul Schmitt hereby incorporate the allegations contained in paragraph 1 through 10 as if set forth herein.

12. Plaintiff, Paul Schmitt, hereby states that he is the spouse of plaintiff, Patricia Schmitt.


13. Solely as a result of the foregoing negligence of the defendant, plaintiff, Paul Schmitt, has been deprived of the aid, comfort, assistance, society, companionship and services of his wife, Patricia Schmitt, and he may be deprived of the same in the future, all to his great detriment and financial loss.

WHEREFORE, plaintiffs Patricia and Paul Schmitt, request judgment be entered in their favor and against defendant Nationwide Property and Casualty Insurance Company. in an amount not in excess of ONE-HUNDRED THOUSAND (\$100,000) DOLLARS.

THOMAS R. YORKO, P.C.

DATE: 2-7-18

BY:


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